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UNITED STATES DEPARTMENT OF AGRICULTURE  
Office of Information  
Washington 25, D. C.

October 4, 1945

To: The Secretary

From: Keith Himebaugh

Subject: USDA Policy Involved in FCC Radio Clear Channel Hearings

The Federal Communications Commission plans to open formal hearings January 14 on possible changes in clear channel allocations in the standard radio broadcast band. (The date was to be October 23 when this memorandum was started.)

The FCC chairman, Paul A. Porter, in a letter to the Secretary of Agriculture April 17, 1945, formally invited one or more representatives of this Department to testify at the hearings (which were then scheduled to open in May). The then Secretary replied that the Department welcomed the opportunity to present testimony and designated the Chief of Radio Service to make arrangements with the FCC general counsel.

This invitation is particularly appropriate because the reason for setting aside clear channels has been -- in the words of the FCC -- "to give a radio service over a wide area and with the particular aim of providing the rural population of the United States with a radio service."

Thus, the FCC's aim coincides with the Department's interest in at least two respects: (1) We are generally interested in rural people's welfare, including their access to all that radio offers, and (2) we are directed to provide rural people with useful information, a task which is facilitated by adequate radio coverage.

In view of the necessity to prepare testimony representing Department policy and also in view of your coming conferences with two agricultural groups in regard to the Department's position in this matter, I am undertaking to outline here the main issues and considerations.

(The two groups, incidentally, are the Radio Committee of the Association of Land Grant Colleges and Universities under chairmanship of President Bevis of Ohio State University and representatives of the major farm organizations. The latter, I believe,

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have not constituted a formal committee but have been consulting together and keeping in touch with us through C. M. Wieting of the National Council of Farmer Cooperatives. In one respect, the land grant colleges have an interest in radio identical with ours: extension of useful information to farmers. Some of them are even more broadly interested in rural education, and some have special interests arising from ownership of radio stations. The farm organizations also have at least one special interest in addition to their general interest in the farmer's welfare. Some of the farm organization people feel that they have too little opportunity to use the radio. Some feel that farmers are receiving inadequate service because of the competition of commercial programs. Representatives of the land grant colleges and of the farm organizations are expected to testify at the hearings. It would be desirable, of course, that they and we present a united front, at least on the matters in which our interests coincide. In the interest of agriculture as a whole we should at least try to avoid negating each other.)

Now some definitions and then the issues.

First, what is a "clear channel"? The FCC, in announcing the coming hearings, said, "Under existing FCC rules certain radio frequencies are allocated for exclusive or dominant use by one high-powered station and are defined as clear channels." There are now only 24 clear channels reserved for exclusive nighttime use by a single domestic station, 22 clear channels assigned for simultaneous use by two or more widely separated stations, and a few on which Canadian and Mexican stations are dominant while "secondary" U. S. stations offer limited service. Most of our stations operate on channels less well protected from interference.

The second question is "Why is the FCC reexamining the present clear channel allocations?" The answer is two-fold: (1) FCC studies show that large areas receive no radio service during the daytime and no "primary" service (dependable under all conditions) at night; (2) the Commission has received many applications for authority to operate additional stations on the clear channels and also for authority to use power in excess of the present maximum, 50,000 watts.

To supplement its previous studies the FCC has recently arranged with the Census Bureau and the Program Surveys Division of BAE to obtain more facts. Census is querying people in selected areas as to their ability to tune in radio stations and hear them satisfactorily. The BAE is sampling opinion on program content to find out to what extent

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rural people are getting the types of programs they want and need. Because of the Department's concern in this matter of program preferences, a small part of the cost of this survey is being paid by the Department. The data therefore should be available for use in our testimony. Some industry representatives have frowned on this survey and may question both its propriety and validity. The question of propriety arises from the fact that the FCC is not generally considered to have power over program content. Dr. Wieting of the National Council of Farmer Cooperatives has made a survey by means of a questionnaire to member cooperatives. Also, we have supplied to an FCC committee copies of surveys made in the past by colleges and others.

In the hearings the FCC will take up questions regarding maximum power, geographical distribution of stations, an increase or decrease in number of clear channels, and whether the present clear channel stations render a program service particularly suited to the needs of rural listeners.

Now, these questions are related to certain important historical conditions and new developments in the radio industry:

1. FM radio, in the opinion of many informed persons, will rapidly take over the local and regional service with the result that many present licensees must get FM licenses or be forced out of business. FM operates in a completely different band of frequencies from the present standard band.

This change would leave more room in the present standard band, presumably allowing for more clear channels, with which to serve rural areas not serviced by FM stations (FM signal is lost at the horizon of the transmitter).

2. With more room in the present standard band, it might be feasible for clear channel stations to use greater power and thus provide wider and more intensive coverage. But in the past the representatives of small stations and others have fought off efforts of any station to use super-power. Arguments have been that super-power brought about interference with other stations, constituted unfair economic competition, weakened the business of networks, concentrated too much influence on public affairs in the hands of single licensees.

3. Within the industry also is a long history of conflict over clear channels, the use of which is clearly an economic advantage. The Department has not taken part in the conflict. It has cooperated with all stations that were willing to broadcast USDA information and

has never interfered with the FCC's business of allocating frequencies. The Department's position has been that the FCC should allocate frequencies in such a way as to provide the best possible service to the people we try to reach but that how to accomplish the objective (whether by clear channels or otherwise) should be determined entirely by the FCC.

4. Then there is an old argument over what constitutes service to agriculture. During the hearings, we are bound to hear allusions to excessive commercialism and lack of public service programs. The National Farm and Home Hour will probably be mentioned as an example of public service programs dropped for commercial reasons and recently put back on the air as a commercial program. Some people who testify may contend that stations should not claim credit for serving agriculture except as they present sustaining programs.

Before the war the Department had a rule against furnishing radio scripts for, and participation by its employees in, commercial radio programs. During the war the rule was relaxed to permit Department participation in commercial programs under specified conditions so as to take full advantage of all opportunities to present information on the war food program. At the same time the Department reiterated its policy of looking to the licensees rather than to the advertisers for access to radio. Long ago the radio industry united in a declaration (which has not been changed publicly) that Government and other public institutions needed no other means of access to radio facilities than informal arrangements with the licensees. In other words, the industry said, in exchange for the use of public domain (the frequencies) for profit, we will provide free time for public agencies and institutions.

It is rather obvious that the Department of Agriculture will have information to broadcast which would be inappropriate on commercial programs . . . policy matters and new administrative programs are usually highly controversial. Thus, while we may agree that many commercial programs provide a service to agriculture, we can hardly agree that a station is providing an adequate service unless it also provides non-commercial programs geared to the needs of agriculture.

Stations and networks frequently attempt to refute this view with the argument that they (the station licensees or the networks) control the content of the programs and that the advertisers exercise no control over the informational parts. However, from the listener's point of view, the program is still commercially sponsored and the implications are about the same as if he were asked to obtain his Yearbook of Agriculture by courtesy of the Blank Corporation - or with

the separate chapters stamped "By courtesy of So-and-so" . . . or as if he were expected to get his terracing instruction entirely from commercially sponsored schools rather than from Extension agents and SCS . . . or as if his children were cut off from public schools and afforded education only in schools supported directly by business firms.

From the Government's standpoint, too, the stations' argument fails to change the basic fact that commercial sponsorship is not wholly and simply public service. Sponsorship implies an advantage or a satisfaction to the sponsor - otherwise, it would not exist. From the Government standpoint, subtle and intangible restraints - such as the restraints of good taste - are implicit in such an arrangement. Furthermore, sponsorship of Government information brings an extraneous third party into deals fundamentally involving only two parties - the Government and its licensees. Here is an analogy: Suppose we grant an individual use of grazing rights on public land, with the stipulation that he follow our rules of conservation and let us come in and hold public demonstrations on the land occasionally. We wouldn't expect to let the man who holds the mortgage on the rancher's sheep act as co-sponsor of the demonstration.

This may seem over-long and labored but the subject is one which deserves close attention. There is no final definition for "public service." It includes commercial programs but must also include sustaining programs.

Looking ahead to the Department's testimony at the hearings, it is my opinion that we should recommend two things:

1. That the FCC formulate and put into effect rules which recognize radio service as a right and permit such allocations of channels and power as may be necessary to extend satisfactory radio coverage to the people as rapidly as possible under the American system of broadcasting.
2. That the FCC adopt rules which recognize the special needs of rural people for agricultural radio service in addition to general service. No other large segment of the population is so dependent upon radio for service related to its occupation - weather and market reports, technical information, economic analyses, national program developments, etc. The rules should permit the FCC to discriminate between applicants for the channels and power which are essential to rural service. The Government, as custodian of the public's radio frequencies, could and should undertake to grant licenses to those who will provide the most complete public service to the rural areas in whose interest the special channels and power are allocated.

